



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

Gary Allen Carson

Serial No.: 10/087,389

Filed: February 27, 2002

Confirmation No.: 6276

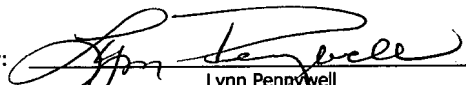
Atty. File No.: 43758-00217

For: TEMPERATURE CONTROL PADS
WITH INTEGRAL ELECTRODES

Group Art Unit: 3762

Examiner: Scott M. Getzow

AMENDMENT AND RESPONSE
AFTER FINAL

| |
|--|
| <p align="center">CERTIFICATE OF MAILING</p> <p>I HEREBY CERTIFY THAT this correspondence or fee is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: <u>05/20/04</u></p> <p align="center">MARSH FISCHMANN & BREYFOGLE LLP</p> <p>By:  Lynn Pennywell</p> |
|--|

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

RECEIVED

MAY 27 2004

TECHNOLOGY CENTER R3700

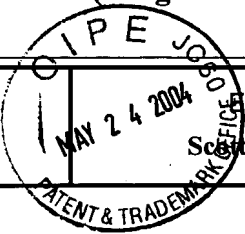
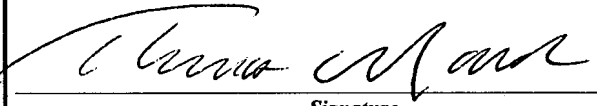
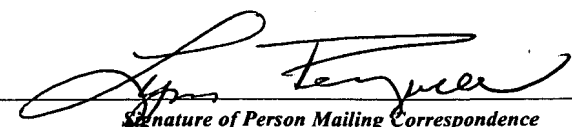
Dear Sir:

Applicant submits this Amendment and Response to address the Office Action mailed January 26, 2004. Enclosed herewith is a check in the amount of \$86.00 in payment of the fees due in connection with the change of 1 dependent claim to an independent claim. Please charge any deficiency or credit any excess to Deposit Account No. 50-1419.

Also, enclosed herewith is a Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.91(c); Statement Under 37 C.F.R. 1.97(e) Accompanying Information Disclosure Statement; PTO Form 1449 and 1 cited reference.

Additionally, we have enclosed a petition for a one-month extension of time, thereby extending the time period for response from April 26, 2004 to May 26, 2004, as well as a check in the amount of \$110.00 as the fee for such extension. Please credit any overpayment or charge any underpayment to Deposit Account No. 50-1419.

Please amend Claims 1, 9, and 36-39, and cancel Claim 35, as set forth below:

| | | | | | |
|--|---|---|--|----------------------------------|-------------------|
| AMENDMENT TRANSMITTAL LETTER (Large Entity) | | | | Docket No. 43758-00217 | |
| Applicant(s): Gary Allen Carson | | | | | |
| Serial No. 10/087,389 | Filing Date February 27, 2002 |  | Examiner Scott M. Getzow | Group Art Unit 3762 | |
| Invention: TEMPERATURE CONTROL PADS WITH INTEGRAL ELECTRODES | | | | | |
| <u>TO THE COMMISSIONER FOR PATENTS:</u> | | | | | |
| Transmitted herewith is an amendment in the above-identified application. | | | | | |
| The fee has been calculated and is transmitted as shown below. | | | | | |
| CLAIMS AS AMENDED | | | | | |
| | CLAIMS REMAINING AFTER AMENDMENT | HIGHEST # PREV. PAID FOR | NUMBER EXTRA CLAIMS PRESENT | RATE | ADDITIONAL FEE |
| TOTAL CLAIMS | 39 - | 40 = | 0 x | \$18.00 | \$0.00 |
| INDEP. CLAIMS | 4 - | 3 = | 1 x | \$86.00 | \$86.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT | | | | | \$86.00 |
| <div style="float: right; text-align: right;"> RECEIVED MAY 27 2004 <small>TECHNOLOGY CENTER R3700</small> </div> <div> <input type="checkbox"/> No additional fee is required for amendment. <input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____ <input checked="" type="checkbox"/> A check in the amount of \$86.00 to cover the filing fee is enclosed. <input checked="" type="checkbox"/> The Director is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-1419 <input checked="" type="checkbox"/> Any additional filing fees required under 37 C.F.R. 1.16. <input type="checkbox"/> Any patent application processing fees under 37 CFR 1.17. </div> | | | | | |
|  _____ Signature | | | Dated: 5/20/04 | | |
| Thomas R. Marsh Registration No. 31,039 Marsh Fischmann & Breyfogle LLP 3151 South Vaughn Way, Suite 411 Aurora, CO 80014 303-338-0997 | | | I certify that this document and fee is being deposited on May 20, 2004 with the U.S. Postal Service as first class mail under 37C.F.R. 1.8 and is addressed to the for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  _____ Signature of Person Mailing Correspondence Lynn Pennywell _____ Typed or Printed Name of Person Mailing Correspondence | | |
| CC: | | | | | |